

PTO/SB/26 (09-04)

Approved for use through 07/31/2006 OMB 0851-0031

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
04-1011-C

In re Application of: Pascal Druzgala

Application No. 10/763,804

Filed: January 23, 2004

For: Ultrashort Acting Hypnotic Barbiturates

The owner, ABYx Therapeutics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,387,914 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

expires for failure to pay a maintenance fee;

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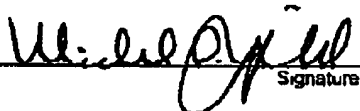
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 37,142


Signature

July 12, 2005
Date

Michael S. Greenfield
Typed or printed name

312-913-0001
Telephone Number

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